

# **EXHIBIT “A”**

*Budin, Reisman, Kupferberg & Bernstein, LLP*

MARVIN REISMAN  
 JAY BUDIN  
 HARLAN S. BUDIN  
 ALICE KUPFERBERG  
 ADAM S. BERNSTEIN  
 PAUL D. BUDIN \*  
 ROBERT L. BUDIN (1953-1982)  
 \*Retired

(212) 696-5500  
 Fax (212) 889-3978  
 112 MADISON AVENUE  
 NEW YORK, N.Y. 10016-7416

GERARD A. CONNOLLY, JR.  
 RALPH GAVIN BELL  
 CHRISTINA M. RIEKER  
 •Admitted in NY and NJ

December 14, 2007

JANICE COOK  
 ADMINISTRATOR

Law Offices of Patrick J. Maloney  
 90 Broad Street, Suite 2202  
 New York, NY 10004

**Attention: Mark Solomon, Esq.**

RE: Jalloh v. Wendel  
 Our File No.: Y8236

*RECEIVED  
 DIRECT  
 Dec 12 2007 by MAS*

Dear Mr. Solomon:

In response to your November 29, 2007 Objections to Disclosure received in this matter, please accept the following:

Enclosed please find authorizations for the following medical providers, without date limitations:

- New Hyde Park Imaging, P.C. d/b/a U.S. Diagnostic
- Allen Rothpearl, M.D.
- Med Care Health & Rehabilitation Services, P.C.
- Jonathan Kogen, Ph.D.
- Maria Vasquez, CSW
- Employment Records

Additionally, please be advised that the plaintiff will rely upon expert testimony from his treating physicians only. These are Physiatrist Dina Nelson, M.D. and radiologist Allen Greenfield, M.D., both of whom have reports contained within the records previously provided. We will forward their backgrounds/qualifications under separate cover.

Additionally enclosed, please find photocopies of photographs depicting the damage to Mr. Jalloh's vehicle. The plaintiff will rely upon these photographs at the trial of this matter.

Additionally, in response to your objections concerning the itemization of injuries, please be advised that the plaintiff's claims for damages are made upon the following injuries, complications and sequelae (all reflected within his medical records), alleged in these proceedings to have been caused, precipitated, contributed to and/or aggravated by the defendant's negligence:

- Central disc herniations at levels C3-C4 and C5-C6, deforming the dural sac with the

## BUDIN, REISMAN, KUPFERBERG &amp; BERNSTEIN, LLP

Law Offices of Patrick J. Maloney  
Page two.

December 14, 2007

RE: Jalloh v. Wendel

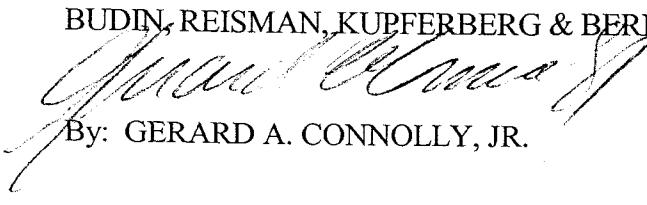
- latter nearly in contact with the cervical cord;
- Bulging disc at level C4-C5 with flattening of the dural sac;
  - Bulging discs at level L4-L5 with flattening of the dural sac and right greater than left foraminal encroachment;
  - Bulging disc at level L5-S1 with flattening of the epidural fat;
  - Cervical myofascial pain syndrome;
  - Straightening of the cervical lordosis;
  - Sprain and strain of the cervical, lumbosacral and thoracic spine; and
  - Decreased range of motion of the cervical and lumbar spine .

It is claimed by reason of the herniation of C3-C4 and C5-C6, and the concomitant injuries to the cervical spine, with the stretching and tearing of the ligaments and musculature constituting the supportive structures thereof, and the entrapment of the cervical nerve roots in the scar tissue formed and internal pressures caused by these injuries, plaintiff suffered and continues to suffer from pain, spasm, restriction and limitation of motion of the head and neck and that as a result of the injuries at the C4-C5, L4-L5 and L5-S1 discs, the plaintiff was caused and continues to suffer from pain, restriction and limitation of motion of the neck, back and trunk, with pain radiating bilaterally into the buttocks and thighs, intermittent claudication with cramping of the calf muscles , difficulty in bending, stooping, standing and stair climbing. Said damage claims are made upon the allegation that the aforesaid injuries are of a chronic and protracted nature and have resulted in permanent residuals. These injuries and the resulting efforts to secure and undergo medical aid and attention in an effort to cure and alleviate the symptomatology and the impairment and loss of function have resulted in, in addition to pain and suffering and loss of enjoyment of life, a diminution of his economic and social capacity.

I trust these materials satisfy your objections to the disclosure previously exchanged in this matter.

Very truly yours,

BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP

  
By: GERARD A. CONNOLLY, JR.



**Dina S. Nelson, M.D.**

146 Alexander Avenue  
 Hartsdale, New York 10530  
 914 907-5846  
 718 519-4083

**Education**

- 1987 - 1991      M.D. - Albert Einstein College of Medicine
- 1985 - 1987      Post-Baccalaureate Premedical Studies  
 City College of the City University of New York
- 1980 - 1985      B.A. Cum Laude - Barnard College of Columbia University

**Training**

- 1992 ~ 1995      Albert Einstein College of Medicine/Montefiore Medical Center  
 Resident- Physical Medicine and Rehabilitation
- 1991 - 1992      Bronx Municipal Hospital Center  
 Intern - Internal Medicine

**Experience**

- 1995 - 2005      Beth Abraham Health Services Center for Physical Medicine and  
 Rehabilitation - Bronx, New York  
 Attending Physiatrist  
 Consultations, evaluations, wheelchair and prosthetic & orthotic  
 clinics, resident and medical student supervision and teaching
- 1999 - Present    Office based PM&R practice specializing in treatment of traumatic  
 musculoskeletal and neurological injuries and electrodiagnostic studies

2001 - 2005

Cerebral Palsy Associations of New York State  
 Physiatrist - out-patient psychiatry clinic

**Academic Appointment**

Assistant Professor of Physical Medicine & Rehabilitation  
 Albert Einstein College of Medicine of Yeshiva University

**Certification**

Board Certified - American Board of Physical Medicine & Rehabilitation  
 Workers' Compensation Board Rated

**License**

New York State

**Alan B. Greenfield, MD  
181 Candlewood Path  
Dix Hills, NY 11746  
(516)493-0095**

**Primary Specialty:** Diagnostic Radiology

**Personal Information:**

<b>Date of Birth</b>	August 13, 1960
<b>Gender</b>	Male
<b>Marital Status</b>	Married
<b>Spouse's Name</b>	Lori
<b>Spouse's Occupation</b>	Teacher/Homemaker
<b>Children</b>	Elana (11-2-90), Jamie (1-10-94)

**Board Certification:** American Board of Radiology, 1993

**Licensure:** New York State License No. 176673 (10/88)  
Federal Licensing Examination

**Education:**

<b>Residency</b> <b>(July 1988 - June 1992)</b>	Diagnostic Radiology University Hospital, State University of New York at Stonybrook, NY
--	--

<b>Internship</b> <b>(July 1987 - June 1988)</b>	Internal Medicine University Hospital, State University of New York at Stony Brook, Stony Brook, NY
---	---

<b>Medical School</b> <b>(Sept. 1983 - June 1987)</b>	Sackler School of Medicine New York State Program Tel Aviv University, Tel Aviv, Israel Degree: Doctor of Medicine (MD)
--	--

<b>College</b> <b>(Sept. 1978 - June 1982)</b>	Muhlenberg College Allentown, PA Degree: Bachelor of Science (Cum Laude) Natural Sciences with Double Major in Psychology
---	--

**Alan B. Greenfield, MD  
181 Candlewood Path  
Dix Hills, NY 11746  
(516)493-0095**

- 1978 - 1982** Deans List, Muhlenberg College  
Psi Chi - Psychology Honor Society
- 1978** First Prize Winner, Annual Student Contest,  
American Heart Association
- 1978** Scholarship Awarded for Exemplary Achievement  
and Performance, St Francis Hospital, Roslyn, NY

**Health Care Related Activities**

- 1987 - 1993** Basic Life Support and Advanced Cardiac Life  
Support Certification,  
University Hospital, State University of New York  
at Stony Brook, Stony Brook, NY
- 1978 - 1985** Cardiopulmonary Resuscitation and Basic Life  
Support Instructor, American Red Cross,  
American Heart Association,  
St. Francis Hospital, Roslyn, NY
- 1979 - 1982** Emergency Medical Attendant,  
Cetronia Ambulance Corps  
Allentown, PA
- 1979 - 1981** Disaster Team Manager,  
American Red Cross
- 1979 - 1989** Baum Corporation and Weezie Foundation  
Summer Fellow,  
Human Resources School,  
Albertson, NY

**Interests:** Tennis, Swimming

**References:** Available upon request

**Alan B. Greenfield, MD**  
**181 Candlewood Path**  
**Dix Hills, NY 11746**  
**(516)493-0095**

**1988 - 1992**

Assistant Clinical Instructor of Radiology  
University Hospital at Stonybrook  
Stonybrook, N.Y.

**Professional Societies:**

New York State Medical Society  
Suffolk County Academy of Medicine  
Radiological Society of North America  
Long Island Radiological Society

**Honors, Awards & Scholarships:****1997**

Guest Speaker- American Association for Medical Transcription-1997 Annual Symposium, Topic:  
*Color Doppler Sonography.*

**1996**

Guest Speaker- American Association for Medical Transcription 1996 Annual Symposium, Topic:  
*Spiral CT Scanning.*

**1995**

Guest Speaker - American Association for Medical Transcription1995 Annual Symposium,  
Topic: "*Stereotactic Breast Biopsy - The Cutting Edge*"

**1979 - 1980**

Biomedical Research Training Program,  
Department of Pediatric Cardiology,  
Long Island Jewish Medical Center,  
New Hyde Park, NY

Participated in a series of experiments to determine maturation patterns of the autonomic nervous system in neonatal Piglets. Particular attention was paid to the cardiovascular response to various catecholamine infusions. Statistically significant differences in autonomic response were noted between different age groups

**Alan B. Greenfield, M.D.**  
**181 Candlewood Path**  
**Dix Hills, N.Y. 11746**  
**(516) 493-0095**

<b>1995-Present</b>	Diagnostic Imaging Consultant Lancer Insurance Co., Plainview, NY
<b>1995- Present</b>	Diagnostic Imaging Consultant Grappell and Walker, MD PC, Plainview, NY
<b>1995 - 1997</b>	Attending Radiologist-Sea Shore Radiology PC at St. Johns Episcopal Hospital, Far Rockaway, NY and Five Towns MRI in Hewlett, NY

<b>1993- 1995</b>	Attending Radiologist, Brunswick Hospital Center, Amityville, NY
-------------------	---

<b>1992- 1993</b>	Diagnostic Radiologist, Long Island Medical Imaging, PC, West Islip, NY
-------------------	--

**Appointments:**

<b>1995 -1997</b>	Radiation Safety Officer, Amityville Heart Center, Amityville, NY
-------------------	--

<b>1993 - 1995</b>	Director of Mammography, Brunswick Hospital Center, Amityville, NY
--------------------	---

<b>1994 - 1995</b>	Director of Radiation Safety, Brunswick Hospital Center, Amityville, NY
--------------------	--

**Alan B. Greenfield, MD**  
**181 Candlewood Path**  
**Dix Hills, NY 11746**  
**(516)493-0095**

**Participant**

<b>August 1996</b>	New York University Hospital/ Visiting Mini-Fellowship in Musculoskeletal and Neuro-MRI
<b>June 1995</b>	Memorial Sloan Kettering Cancer Center Training Course for Interventional Breast Technique
<b>Jan. 1992 - Feb. 1992</b>	Armed Forces Institute Of Pathology, Walter Reed Army Medical Center, Washington DC

**Employment:**

<b>1999-Present</b>	Director of Medical Imaging Gurwin Jewish Geriatric Center Commack, New York
<b>1998-Present</b>	Medical Director Greenfield and James, MD, LLP DBA Rockaway Open MRI and Diagnostic Imaging Rockaway Beach, NY
<b>1998-Present</b>	Diagnostic Imaging Consultant Rapid Portable X-Ray
<b>1998-Present</b>	Diagnostic Imaging Consultant ProHealth Lake Success, NY

# **EXHIBIT “B”**

*Budin, Reisman, Kupperberg & Bernstein, LLP*

MARVIN REISMAN  
 JAY BUDIN  
 HARLAN S. BUDIN  
 ALICE KUPFERBERG  
 ADAM S. BERNSTEIN  
 PAUL D. BUDIN \*  
 ROBERT L. BUDIN (1953-1982)  
 \*Retired

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GERARD A. CONNOLLY, JR.  
 RALPH GAVIN BELL  
 CHRISTINA M. RIEKERS  
 \*Admitted in NY and NJ

JANICE COOK  
 ADMINISTRATOR

June 4, 2008

Law Offices of Harvey & Vandamme  
 90 Broad Street, Suite 2202  
 New York, NY 10004  
 Attention: Mark A. Solomon, Esq.

Re: Jaliloh v. Wendel  
 Our File: Y8236

Dear Mr. Solomon:

Please allow this to confirm that the trial of this action is scheduled for August 11, 2008. Plaintiff intends to produce Dr. Mark McMahon to testify.

Plaintiff intends to offer the following into evidence:

1. Photographs of plaintiff's vehicle that reflect the damage caused by the accident in issue, exchanged on December 14, 2007;
2. Photographs of defendant's vehicle exchanged by defense counsel;
3. MRI films and reports by Alan Greenfield, M.D. of U.S. Diagnostics of the cervical spine taken on 8/16/2006 and of the lumbar spine taken on 9/6/2006;
4. Records of Dina Nelson, M.D., of Med Care Health & Rehabilitation, P.C., from August 10, 2006 through December 7, 2006.

Please advise what evidence, if any, you intend to offer at trial so we can discuss stipulations and/or motions in limine. Please be reminded that motions in limine are due July 28, 2008.

Very truly yours,

*BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP*  
*Ralph Gavin Bell*  
 RALPH GAVIN BELL

RGB/duk

# **EXHIBIT “C”**

RECEIVED  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

ABOUBACAR JALLOH,  
Plaintiff,

-against-

THOMAS P. WENDEL,  
Defendant.

**PLAINTIFF'S EXPERT  
EXCHANGE PURSUANT  
TO F.R.C.P. 26(a)(2)**

Index No.: 07 Civ. 4091(NRB)

X

**COUNSELORS:**

Pursuant to Rule 26(a) (2) of the Federal Rules of Civil Procedure, please be advised that the plaintiff, ABOUBACAR JALLOH, hereby exchanges the following information regarding MARK S. MCMAHON, M.D., an expert witness whom the plaintiff intends to call at the time of trial to testify regarding the medical condition of any injuries sustained by the plaintiff, ABOUBACAR JALLOH.

**MEDICAL TESTIMONY**

The plaintiff identifies as an examining doctor, MARK S. MCMAHON, M.D., an orthopedist, who is an orthopedist with an office located at 875 Park Avenue, New York, New York 10021, and is affiliated with Lenox Hill Hospital located in New York, New York. Dr. McMahon is Board Certified in Orthopedic Surgery in the State of New York, and is a member of the American Academy of Orthopedic Surgeons. The subject matter, the facts, and the opinions which Dr. McMahon is expected to testify to, if called at trial, are those contained in his medical report dated May 14, 2008, a copy of which is annexed hereto.

A copy of Dr. McMahon's Curriculum Vitae is also annexed hereto, which sets forth in detail his qualifications. He has not published any articles since 1994. The compensation to be paid for a medical examination and his report is \$750.00. If Dr. McMahon is called upon to testify at trial, his customary testimony fee is \$4,000.00 for a half a day appearance.

Dr. McMahon will testify as to the nature and the extent of plaintiff's injuries occasioned by the accident which is the subject matter of this dispute, the diagnosis of said injuries, based upon his

May 14, 2008 orthopedic evaluation of the plaintiff.

**PLEASE BE ADVISED** that Dr. McMahon is expected to testify that the examination of the plaintiff revealed that plaintiff's prognosis is poor and that the injuries are permanent; that plaintiff's injuries interfere with his quality of life and daily living; that plaintiff is unable to work as a taxi driver because of the injuries; and that the plaintiff requires a multilevel cervical discectomy and fusion using instrumentation and bone graft; and that plaintiff would benefit from the L4-S1 decompression and fusion using instrumentation and bone graft.

Plaintiff reserves his right to supplement this response prior to the trial.

Dated: New York, New York  
May 27, 2008

Yours etc.,

*Christina M. Rieker*  
CHRISTINA M. RIEKER, ESQ. (1566)  
BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP  
Attorneys for Plaintiff  
Office & PO Address  
112 Madison Avenue  
New York, New York 10016  
(212) 696-5500  
Our File No.: Y8236;duk

TO:

Law Offices of Harvey & Vandamme  
Attorneys for Defendant  
THOMAS P. WENDEL  
90 Broad Street  
Suite 2202  
New York, NY 10004  
(646) 428-2650  
File NO.: 2007-100069

**Mark S. McMahon, M.D.**

*876 Park Avenue  
New York, New York 10021  
Phone: (212) 717-1405  
Fax: (212) 396-3277*

May 14, 2008

Budin, Reisman, Kupferberg and Bernstein  
401 Broadway, Suite 1412  
New York, New York 10013

**RE: Aboubacar Jalloh**

Att: Mable Garcia

On August 6, 2006 the patient was in a motor vehicle accident in which his car was stationary at a red light and he was rear-ended. His head, neck and back were injured. On August 10, 2006 he saw Dr. Nelson, who started him on physical therapy. He saw Dr. Nelson in follow-up on September 21, 2006 and November 2, 2006. Dr. Nelson performed an EMG of his lower extremities which was negative on October 4, 2006. The patient went to physical therapy from August 15, 2006 until November 8, 2006. On September 5, 2006 the patient was seen by a psychologist, Dr. Kogan. He was seen in follow-up on September 6, 2006, September 19, 2006, September 20, 2006, September 26, 2006, October 3, 2006, October 24, 2006, November 7, 2006, and November 15, 2006. He was out of work as a taxi driver for 3 months after the accident.

On August 9, 2006 he had an x-ray of his cervical spine which showed muscular spasm. On August 9, 2006 he had an x-ray of his lumbar spine which showed mild degenerative changes. On August 16, 2006 he had an MRI of his cervical spine which showed disc herniations at C3-4 and C5-6 deforming the dural sac. In addition, it showed a bulging disc at C4-5 with flattening of the dural sac. On August 21, 2006 the patient had an x-ray of his thoracic spine which showed mild dextro-scoliosis. On September 6, 2006 the patient had an MRI of his lumbar spine which showed a bulging disc at L4-5 with flattening of the dural sac and bilateral foraminal encroachment. It also showed an L5-S1 disc bulge with flattening of the epidural fat.

Currently, the patient is unable to work due to his neck and back problems. He has pain radiating down both legs. His legs feel weak. His neck and back are worse with

***Mark S. McMahon, M.D.***

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Phone: (212) 717-1405  
Fax: (212) 396-3277*

May 14 , 2008  
**RE: Aboubacar Jalloh**

bending and lifting. He wakes up at night with pain in his neck and back. Weather changes make his condition worse. He has worsening pain with prolonged sitting, standing, and walking.

**PAST MEDICAL HISTORY:**

Negative.

**MEDICATIONS:**

Tylenol.

**PHYSICAL EXAMINATION:**

On physical examination of the cervical spine: he can flex to 2 degrees with pain (nl 60). He can extend to 0 degrees with pain (nl 50). He can bend to the left and right 0 degrees with pain (nl 40). Sensation is intact in his upper extremities. He is tender to palpation in the paracervical musculature.

On physical examination of his lumbar spine: he can flex to 2 degrees with pain (nl 90). He can extend to 0 degree with pain (nl 30). He can bend to the right 0 degrees with pain (nl 20). He can bend to the left 0 degrees with pain (nl 20). He has decreased sensation to light touch in his left lower extremity. His EHL strength is 3+/5 bilaterally. He has a positive straight leg raising sign bilaterally.

**DIAGNOSIS:**

1. Cervical disc herniations at C3-4 and C5-6 deforming the dural sac. Bulging disc at C4-5 with flattening of the dural sac.
2. Lumbar spine bulging disc at L4-5 with flattening of the dural sac with bilateral foraminal encroachment. L5-S1 bulging disc with flattening of the epidural fat.

***Mark S. McMahon, M.D.***

*876 Park Avenue  
New York, New York 10021  
Phone: (212) 717-1405  
Fax: (212) 396-3277*

May 14 , 2008  
RE: Aboubacar Jalloh

**CAUSATION:**

The above diagnoses occurred as a result of the accident of August 6, 2006.

**PROGNOSIS:**

The patient's prognosis is poor. His condition is permanent. He is now 1 ¼ years from the time of the accident. His condition interferes with his quality of life and his activities of daily living. He is unable to work as a taxi driver because of his injuries. The patient requires a multilevel cervical discectomy and fusion using instrumentation and bone graft. In addition, he requires an L4-S1 decompression and fusion using instrumentation and bone graft.

I, the undersigned, am a physician authorized by law to practice medicine in the State of New York, and I am not a party to this proceeding. I have reviewed the medical records pertaining to this patient and have provided a report that summarizes my evaluation. The statements in the report are true and accurate under penalty of perjury.

*mark s. mcmahon, m.d.*

Mark S. McMahon, M.D.

Mark S. McMahon, M.D.  
876 Park Avenue  
New York, New York 10021

Date of Birth - March 2, 1961  
Citizenship: U.S.A.  
(212) 717-1405

## CURRICULUM VITAE

### Education:

Harvard Medical School-M.D., 1986, Knox Fellowship for study in the United Kingdom; Medical Student Research Seminar - 1983, 1984.

London School of Economics-M.S. in Economics/Political Science, 1985

Oxford University-Liberal Arts, summer 1981

Georgetown University-B.S. Biology, 1981, Phi Beta Kappa; summa cum laude; Biology Medal; Sigma Xi Scientific Research Honor Society; Bachelor of Science Valedictorian

### Professional Training:

Hospital for Joint Diseases: Orthopedic Institute - Fellow in Hand Surgery, Drs. Posner, Green, 1992 - 1993

Massachusetts General Hospital - Fellow in Sports Medicine/Shoulder, Drs. Boland Lefert, Zarins, 1991 - 1992

Lenox Hill Hospital - Intern, 1986 - 1987, General Surgery. Resident, 1987 - 1991, Orthopedic Surgery.

### Current Status:

Board Certified in Orthopedic Surgery, 1995.  
Member of the American Academy of Orthopedic Surgeons.

Attending Physician, Lenox Hill Hospital, NY, 1993 -  
Visiting Scientist - Hospital for Special Surgery 2002 - 2004

## ARTICLES

1. McMahon MS, Norregaard TV, Beyerl BD, Borges LF, Moskowitz MA, 1985  
Trigeminal afferents to cerebral arteries and forehead are not divergent axon collaterals, *Neuroscience Letters* 60:63-68
2. McMahon MS, Weiss JS, Reidel KG, Albert DM, 1985  
*Histopathological findings in necropsy eyes with intraocular lenses,*  
*British Journal of Ophthalmology* 69:452-458
3. Reidel KG, Rudin SR, McMahon MS, Weiss JS, Albert DM, 1985  
*Histopathologic changes occurring in eyes with intraocular lens implantation:*  
*Autopsy eyes, enucleated eyes, and corneal buttons, Acta Ophthalmologica* 63:11-33
4. Fulghum T, McMahon MS, Aretz T, Khaw BA, Fallon J, Haber E, Powell WJ, 1986  
The time course of canine ischemic myocardial necrosis evaluated by  
Immunocytochemistry using cardiac myosin specific monoclonal antibodies in  
vivo, *Journal of Applied Cardiology* 1:385-401
5. Kirk AP, O'Hara BP, Mageed RAK, McMahon MS, McCarthy D, Menashi S, Archer  
HLF, Currey H, 1986  
Pepsinogen – an immunoglobulin binding artifact in "collagen" preparations,  
*Clinical and Experimental Immunology* 65:671-678
6. McMahon MS, Scuderi GR, Glashow JC, Scharf SC, Meltzer LP, Scott WN, 1990  
Scintigraphic determination of patellar viability after excision of infrapatellar fat  
Pad and/or lateral retinacular release in total knee arthroplasty. *Clinical  
Orthopedics and Related research* 260:10-16
7. McMahon MS, Craig SM, Posner MA, 1991  
Tendon subluxation after deQuervain's release: Treatment by brachioradialis  
tendon flap, *Journal of Hand Surgery* 16A:30-32
8. Magnusson P, McMahon MS, Gleim G, Hershman E, Nicholas JA, 1991  
Strength and Balance in functional ankle instability, *Medicine and Science in  
Sports and Exercise* 23:(4) Suppl
9. Zarins, McMahon, MS, Rowe CR  
Diagnosis and treatment of traumatic anterior instability of the shoulder. *Clinical  
Orthopedics*, 1993 Jun; (291):75-84.
10. McMahon MS, Craig SM.  
Interfascicular Reconstruction of the Peroneal Nerve After Knee Ligament  
Injury. *The Annals of Plastic Surgery*, June 1994 32(6):642-4

## BRIEF ARTICLES

1. Chess J, Henkind P, Albert DM, Gragoudas ES, Reidel KG, Weiss JS, McMahon MS, Abramson D. 1985  
Uveal melanoma presenting after cataract extraction with intraocular lens implantation. *Ophthalmology* 1985 Jun, 92(6):827-30
2. McMahon MS, Weiss JS, Reidel KG, Albert DM, 1985  
Clinically unsuspected phacoanaphylaxis after extracapsular cataract extraction, *British Journal of Ophthalmology* 1969,836-840
3. McMahon MS, Posner MA.  
Triggering of the Thumb due to Stenosing Tenosynovitis of the Extensor Pollicis Longus. A case report. *The Journal Of Hand Surgery*. Volume 19A:623-625, 1994
4. Posner MA, McMahon MS.  
Congenital Radial Subluxation of the Extensor Tendons Over the Metacarpophalangeal Joints. A case report. *The Journal Of Hand Surgery*. Volume 19A:659-661, 1994

## CHAPTERS

1. McMahon MS, Scott WN, 1991  
Intraarticular iliotibial muscle tendon unit transfer for anterior cruciate insufficiency. In *Ligament and Extensor Mechanism Injuries of the Knee: Diagnosis and Treatment*, by WN Scott, Mosby Yearbook, St. Louis, pp 253-266
2. Scott WN, McMahon MS, Craig SM, 1992  
Revision total knee arthroplasty, *Knee Surgery – Current Practice*, by Aichroth PM, Connon WD, Patel DV, Raven Press, New York, pp 704-709
3. McMahon MS, Zarins B.  
Multidirectional Instability of the Shoulder: Clinical Recognition, Surgical Techniques and Rehabilitation. *Rehabilitation Of The Athletic Shoulder*, By Wilk KE and Andrews JR, Churchill Livingstone, Inc., New York 1994
4. McMahon MS, Boland AL.  
*Collateral Ligament Injuries. Surgery Of The Knee*, By Silaski J, Churchill Livingstone, Inc., New York 1994
5. Scott WN, McMahon MS, Insall JN, 1995  
The Knee, *Postgraduate Textbook of Orthopedics* by Harris NH, Birch R, 2<sup>nd</sup> Ed, Basil Blackwell Ltd., London, pp 864-900

## PRESENTATIONS

1. McMahon MS, Scuderi GR, Glashow JL, Scharf SC, Meltzer LP, Scott WN, 1990  
Scintigraphic determination of patellar viability after total knee arthroplasty,  
Presented at the Fifth Open Scientific Meeting of the Knee Society, New  
Orleans, LA, February 11, 1990
2. Magnusson P, McMahon MS, Gleim G, Hershman E, Nicholas JA, 1991  
Strength and balance in functional ankle instability, Presented at the American  
College of Sports Medicine Annual Meeting, Orlando, FL, May 30, 1991
3. McMahon MS, Craig SM.  
Interfascicular Reconstruction of the Peroneal Nerve After Knee Ligament  
Injury. Presented at the Eastern Plastic Surgery Society, Pittsburgh, PA; April,  
1993.
4. Tindell N, McMahon MS, Posner MA.  
Submuscular Transposition of the Ulnar Nerve at the Elbow: A Review of 100  
Cases. Presented at the AOA Residents Conference, Atlanta, Georgia, March  
1994
5. Tindell N, McMahon MS, Posner MA.  
Submuscular Transposition of the Ulnar Nerve at the Elbow: A Review Of 100  
Cases. Presented at the American Society for Surgery of the Hand, Cincinnati,  
Ohio, October 1994

AFFIDAVIT OF SERVICE

STATE OF NEW YORK,  
COUNTY OF NEW YORK ss.:

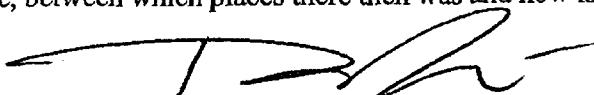
DOROTA U. KUZNIAR-ZGLINSKA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over the age of 18 years and resides in Queens County in the State of New York.

That on May 27, 2008, deponent served the within **PLAINTIFF'S EXPERT EXCHANGE** upon:

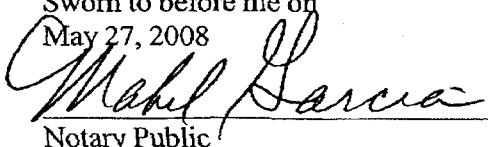
Law Offices of Harvey & Vandamme  
Attorneys for Defendant  
THOMAS P. WENDEL  
90 Broad Street  
Suite 2202  
New York, NY 10004  
(646) 428-2650  
File NO.: 2007-100069

by depositing a true copy of the same securely enclosed in a postpaid wrapper in a Post Office Box regularly maintained by the United States Government at Madison Avenue and East 30th Street, New York, New York directed to the above mentioned attorneys at their respective address, that being the address within the State designated by them for that purpose upon the preceding papers in this action or the place where they kept an office, between which places there then was and now is regular communication by mail.



DOROTA U. KUZNIAR-ZGLINSKA

Sworn to before me on  
May 27, 2008

  
Mabel C. Garcia  
Notary Public

MABEL C. GARCIA  
COMMISSIONER OF DEEDS  
CITY OF NEW YORK  
NO. 1-3097  
COMMISSION EXPIRES MARCH 1, 2009

Index No. 07 Civ. 4091(NRB)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ABOUBACAR JALLOH,

Plaintiff,

-against-

THOMAS P. WENDEL,

Defendant.

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**PLAINTIFF'S EXPERT EXCHANGE**

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**Budin, Reisman, Kupferberg & Bernstein, LLP**

*Attorneys for Plaintiff(s)*

*112 Madison Avenue  
New York, New York 10016  
212-696-5500*

# **EXHIBIT “D”**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ABOUBACAR JALLOH, X

Plaintiff,

against,

THOMAS P. WENDEL,

**PHYSICIAN'S  
AFFIRMATION**

Index No.: 07 Civ. 4091(NRB)

Defendant.

X

I, DINA NELSON, M.D., affirm the following under the penalties of perjury:

1. I am a physician duly licensed to practice medicine in the State of New York.
2. My offices are located at Med Care Health & Rehabilitation Services, P.C., 334 Grand Concourse, Bronx, NY 10451.
3. ABOUBACAR JALLOH sustained personal injuries when he was involved in a motor vehicle accident on August 6, 2006. He received physical therapy treatments at my facility from August 10, 2006 through December 7, 2006. Physical therapy treatments consisted of electrical stimulation, massages, and the application of hot and cold packs, all to the lower back and neck.
4. On initial physical examination on August 10, 2006, patient presented with complaints of neck pain, and mid to low back pain, and frontal headaches. The patient was 42 years old and has no history of prior injuries.
5. Examination of the cervical spine revealed severe limitation in all planes with diffuse muscle spasm in the upper trapezius muscles, levator scapulae, and SCM and tenderness in the cervical paraspinal.
6. Examination of the thoracolumbar spine revealed tenderness in the lower thoracic spinous processes up to the upper lumbar spine. Flexion was limited to 50 degrees (90 degrees is normal) and lateral flexion was limited to 10 degrees (25 degrees is normal).
7. I diagnosed: (1) cervical sprain/strain; (2) thoracolumbar sprain/strain; and (3) post traumatic headaches. I began the patient on a course of physical therapy treatments three times per week.

American Academy of Orthopaedic Surgeons Standards

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8. On examination of September 21, 2006, patient had continued complaints of neck pain and low back pain with complaints of sharp pain radiating down both legs. At that time, he had not returned to work as a taxi driver due to his neck and lower back pain.
9. Examination of the cervical spine revealed moderate restrictions in range of motion in all planes and bilateral trapezius and cervical paraspinal muscle spasm.
10. Examination of the lumbar spine revealed moderate restriction and flexion bilateral lumbar paravertebral spasm, and a positive straight leg raise bilaterally.
11. I reviewed x-ray films of the cervical spine which revealed straightening of lordosis. I reviewed an MRI of the cervical spine which revealed central disc herniations at C3-C4 and C5-C6 and bulging disc at C4-C5. I reviewed x-ray films of the lumbar spine which revealed mild degenerative changes at L2 and bulging disc at L4 through S1 and bilateral foraminal narrowing at L4-L5 and possible lumbosacral radiculopathy.
12. On November 2, 2006, the patient presented to me with complaints of cramping in his calf with severe sharp burning pain. This could be evidence of intermittent claudication. Examination of the cervical spine revealed a decrease in lateral rotation to 60 degrees bilaterally (80 degrees is normal), and lateral flexion to 20 degrees bilaterally (45 degrees is normal). There was also mild bilateral upper trapezius muscle spasm. There was also tenderness in the lower lumbar paravertebral.
13. Based on a reasonable degree of medical certainty, as well as on the patient's history and clinical examinations, it is my opinion that a direct causal relationship exists between Mr. Jalloh's injuries as described above and the accident of August 6, 2006.
14. I, the undersigned, certify that the foregoing report is true to the best of my knowledge. I am a duly licensed physician in the State of New York and I hereby affirm under the penalties of perjury the contents of this report to be true.

Dated: New York, New York  
May 20, 2008



DINA NELSON, M.D.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ABOUBACAR JALLOH,

Plaintiff,

RADIOLOGIST'S  
AFFIRMATION

-against-

Index No.: 07 Civ. 4091(NRB)

THOMAS P. WENDEL,

Defendant.

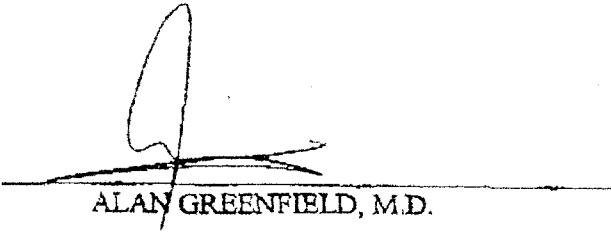
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I, ALAN GREENFIELD, M.D., affirm the following under the penalties of perjury:

1. I am a Radiologist, duly licensed by the State of New York to practice medicine.
2. I am affiliated with U.S. Diagnostic, whose offices are located at 1963 Grand Concourse, Suite #LL, Bronx, New York 10453.
3. I took or supervised the taking of the MRIs of the cervical spine and lumbar spine of ABOUBACAR JALLOH, the plaintiff in this action.
4. Upon review of the MRI of the cervical spine taken on August 16, 2006, my findings were as follows:
  - a) Straightening of cervical lordosis;
  - b) Central disc herniations at C3-C4 and C5-C6, deforming the dural sac, with the latter nearly in contact with the cervical cord; and
  - c) Bulging disc at C4-C5 with flattening of the dural sac.
5. Upon review of the MRI of the lumbar spine taken on September 6, 2006, my findings were as follows:
  - a) Bulging discs from L4 through S1, associated with bilateral foraminal narrowing at L4-L5.
6. If I am called upon to testify in Court, my testimony will reflect the statements listed above.

7. I, the undersigned, certify that the foregoing report is true to the best of my knowledge. I am a duly licensed Board Certified Radiologist in the State of New York and I hereby affirm under the penalties of perjury the contents of this report to be true.

Dated: New York, New York  
May 20, 2008



ALAN GREENFIELD, M.D.